

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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2017 JUN -6 PM 4:15

S.D. OF N.Y.

Joyce Parks

Write the full name of each plaintiff.

16 CV 2072

(Include case number if one has been assigned)

-against-

THIRD AMENDED
COMPLAINT

Prestige Management Inc., Madison Security Group

Do you want a jury trial?

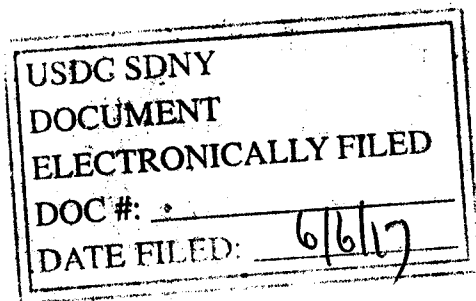
Inc., Det. Heriberto Vazquez, Det. Jessica

☒ Yes ☐ No

Rivera-Caiced, Robert James, Orlando Osorio, New

York City, Carlos Matos, Sgt. Christopher Daly

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.



NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

42 U.S.C. 1983, Fourth and Fourteenth Amendments to the United States Constitution, and pendent state law claims

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of _____
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Joyce

Parks

First Name

Middle Initial

Last Name

Street Address

County, City

State

Zip Code

Telephone Number

Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	Heriberto	Vazquez
	First Name	Last Name
	Detective at New York City Police Dept.	
	Current Job Title (or other identifying information)	
	250 West 135th Street	
	Current Work Address (or other address where defendant may be served)	
	New York	New York 10030
	County, City	State Zip Code
Defendant 2:	Jessica	Rivera-Caiced
	First Name	Last Name
	Detective at New York City Police Dept.	
	Current Job Title (or other identifying information)	
	250 West 135th Street	
	Current Work Address (or other address where defendant may be served)	
	New York	New York 10030
	County, City	State Zip Code
Defendant 3:	Robert	James
	First Name	Last Name
	Madison Security Group	
	Current Job Title (or other identifying information)	
	2931 Westchester Avenue	
	Current Work Address (or other address where defendant may be served)	
	Bronx	New York 10461
	County, City	State Zip Code

Defendant 4:	Orlando	Osorio
	First Name	Last Name
	Prestige Management	
	Current Job Title (or other identifying information)	
	1200 Zerega Avenue	
	Current Work Address (or other address where defendant may be served)	
	Bronx	New York 10462
	County, City	State Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: This event occurred at Plaintiff's residence.

Date(s) of occurrence: This event occurred on or about February 22, 2016 at approximately 6pm.

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

See attached.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Plaintiff suffered emotional duress. The defendants violated plaintiff's rights on several] occasions. Plaintiff was emotionally abused by the defendants. Plaintiff feels that her Constitutional Rights were violated. 14th Amendment and 4th Amendment rights were violated.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

See attached.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

06/15/2017

Dated

Joyce

Plaintiff's Signature

Parks

First Name

Middle Initial

Last Name

Street Address

County, City

State

Zip Code

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

B. Additional Defendant Information

5. New York City Department
250 West 135th Street
New York, New York 10030

6. Madison Security Group
2931 Westchester Avenue
Bronx, NY 10461

7. Prestige Management, Inc.
1200 Zerega Avenue
Bronx, New York 10462

8. Carlos Matos
Detective at New York City Police Dept.
250 West 135th Street
New York, New York 10030

9. Christopher Daly
Sergeant at New York City Police Dept.
250 West 135th Street
New York, New York 10030

Facts:

1. From January 2000 to the present, I have resided in my apartment.
2. Starting in the summer of 2015, detectives from the New York City Police Department forced their way into my apartment approximately six occasions.

Detective Vasquez and Jessica Rivera-Caiced along with other members of the police department, Carlos Matos, Sergeant Christopher Daly, would come into my apartment approximately every two to three weeks looking for my son. I would ignore or refuse to open the door on many occasions. The detectives would leave as a result to my refusal to open my door. On occasions where I was returning home or exiting my apartment, the detectives would force their way in by shoving me out of the way and thereby entering my apartment. Once the police officers entered my apartment, they would conduct a full search of my apartment, without my consent. This search would include my entire apartment including all of my personal items that were in my dresser drawers and closets. My apartment was ransacked and left in disarray. I spent a significant amount of time, fixing up my apartment as a result of these searches.

At no point did I ever consent to the police entering my apartment. The police never showed me any legal documentation (search warrant specific to my apartment) that would allow them to conduct full searches with complete access to my apartment.

3. Most of these searches were conducted at approximately 6 am. Detectives would knock loudly with a metal object which woke up everyone in the immediate area including everyone in my apartment. This object caused extensive damage to my door.

4. Robert James is a security guard employed by Madison Security Group. He is licensed by New York State and has completed appropriate security guard training.

Mr. Orlando Osorio, is employed by Prestige Management. He is the super of the building where I reside. On or about February 22, 2016, at approximately 6 pm, I was returning from work to my apartment. I got off the elevator, and Robert James, and Orlando Osorio, handed me two keys. I asked them what the keys were for. They informed me that they had changed my locked because detective from the NYCPD, had knocked on the super door and asked for entry to my apartment. The super told me that he agreed to their request thereby drilling my locks out and damaging my door. At no point had I granted the super or security guard permission to enter my apartment or let the police into my apartment.

5. After the police conducted a search and seizure, the security guard and the super entered my apartment and changed my locks thereby assisting the police department thereby acting in concert with the police department.

6. Since this incident, I have suffered emotional duress including post trauma stress, headaches, and sleep insomnia.

Prayer for Relief

7. Wherefore, Plaintiff pray that the Court grants such relief as may be appropriate including injunctive orders and damages, and costs as follows:

a. A judgment directing Defendant's to make Plaintiff whole with compensatory damages for mental anguish, loss of dignity, humiliation, pain and suffering, emotional trauma, and denial of civil rights (Fourth Amendment).

b. A judgment awarding Plaintiff punitive damages.

c. An award of prejudgment interest, costs, and fees.

Such other relief that the court may deem just and proper.